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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,648	12/17/2003	Feodor Bezzubov	081627-0306610	3848
909	7590	07/24/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			HAWK, NOAH CHANDLER	
P.O. BOX 10500			ART UNIT	PAPER NUMBER
MCLEAN, VA 22102			3636	

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/736,648	Applicant(s) BEZZUBOV, FEODOR	
	Examiner Noah C. Hawk	Art Unit 3636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-17 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17 and 19-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/9/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 5/9/06 was filed after the mailing date of the Non-Final Office Action on 2/16/06. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-6 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are dependent on a cancelled claim. For the purposes of examination, Claim 4 will be considered dependent on amended Claim 1.

4. Claims 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are dependent on a cancelled claim. For the purposes of examination, Claim 19 will be considered dependent on amended Claim 17.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

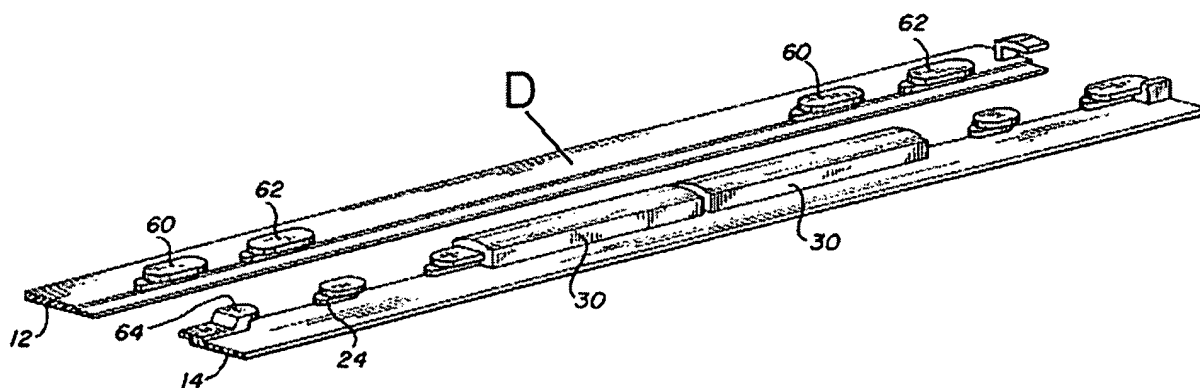
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-8 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strayer in US Patent 2990083 in view of Frydenberg in US Patent 4576307.

a. Regarding Claims 1 and 4-6, Strayer discloses a storage system comprising a plurality of stackable containers arranged in a vertical stack (see Strayer, column 3, lines 13-14) each of the containers comprising a drawer (31) having a bottom wall (A) and a peripheral wall (B) defining a storage space (C) for receiving articles and an upwardly facing opening (best seen in Strayer, Figure 1) for accessing the storage space, a drawer housing (10) having at least an upper wall (14), the drawer being slidably mounted to the drawer housing for movement between a retracted position wherein the drawer is positioned beneath the upper wall and an extended position wherein the drawer is moved outwardly from beneath the upper wall, thereby allowing access to the storage space therein through the upwardly facing opening, the drawer housing being constructed to enable at least the upper wall of the drawer housing to be pivoted between a closed position (Best seen in Strayer, Figure 7) closing the upwardly

facing opening of the drawer in its retracted position and an open position (Best seen in Strayer, Figure 1) uncovering the upwardly facing opening of the drawer in its retracted position and a carrying handle (32) for enabling the user to carry the storage container. Strayer further discloses that each container has an upper coupling (the top opening of element 21) on an upper portion of the storage container and a lower coupling (formed by the element 39 when inserted into the lower portion of element 21) on a lower portion of the storage container being constructed such that, for each pair of vertically adjacent storage containers in the stack, (a) the upper coupling of a lower storage container of the pair is engaged in an interlocked relation with the lower coupling of an upper storage container of the pair to secure the storage containers of the pair together, and (b) the upper and lower couplings of the vertically adjacent storage containers of the pair can be disengaged to enable separation of the storage containers of the pair. Strayer fails to teach a latch on the containers. Frydenberg teaches a latch (16) movable between a latching position (best seen in Frydenberg, Figure 1) releasably latching two elements (such as the drawer in a retracted position latched with the front edge of the upper wall in the closed position thereof) and a released position (best seen in Frydenberg, Figure 2) enabling two elements to be separated (such as allowing the drawer to be moved to the extended position thereof or for the upper wall to be moved to the open position thereof). Frydenberg further discloses that the latch is slidably mounted (see Frydenberg, Column 2, line 61, "a slide-type latching mechanism") on a front face of an

element (such as the drawer) for lateral movement between the latched and released positions thereof and that the upper element (such as the upper wall on the drawer housing of each storage container) has a front edge with a latch engaging portion having a lip (60, 62) protruding upwardly therefrom and a recess (D) adjacent the latch engaging portion, the recess being positioned such that, when the drawer is in the retracted position thereof and the upper wall is in the closed position thereof, the latch in its released position is received in the recess, and then can be moved laterally onto the latch engaging portion and the lip thereof to affect the latched position thereof. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Strayer by adding a latching mechanism as taught by Frydenberg in order to securely lock the drawer to the upper wall so that the contents of the storage device are not spilled when the container is moved.



Frydenberg, Figure 2



b. Regarding Claim 2, Strayer, as modified, teaches all of the elements of Claim 1 as stated above and further discloses that the plurality of containers includes three or more storage containers (See Strayer, Column 3, lines 27-28: “a great many of the devices” is taken in this case to mean three or more).

- c. Regarding Claims 7 and 8, Strayer, as modified, teaches all of the elements of Claim 1 and further discloses that the drawer housing (10) of each storage container has a pair of side walls (13, 18a) extending downwardly from the upper wall on opposing sides of the drawer and fixed together with the upper wall. Please note, the phrase "so that the side walls are pivoted along with the upper wall between the open and closed positions thereof" recited in Claim 8 is considered functional language and is therefore given little patentable weight.
- d. Regarding Claim 12, Strayer, as modified, teaches all of the elements of Claim 4 and further teaches that the carrying handle (32) is connected to a front wall of the drawer (Best seen in Strayer, Figure 1) for facilitating movement of the drawer between the retracted and extended positions.
- e. Regarding Claim 13, Strayer, as modified, teaches all of the elements of Claim 1 and further discloses that the at least one lower coupling includes a hook (39) and the at least one upper coupling includes a receptacle (the top opening of element 21), and wherein the hooks and receptacles are constructed such that, for each pair of vertically adjacent storage containers in the stack, (a) the hook of an upper storage container of the pair is engaged in an interlocked relation with the receptacle of the lower storage container of the pair to secure the storage containers of the pair together, and (b) the hook and receptacle of the vertically adjacent storage containers of the pair can be disengaged to enable separation of the storage containers of the pair.



f. Regarding Claim 14, Strayer, as modified, teaches all of the elements of Claim 7 and further discloses that the at least one lower coupling includes a hook (39) and the at least one upper coupling includes a receptacle (the top opening of element 21), and wherein the hooks and receptacles are constructed such that, for each pair of vertically adjacent storage containers in the stack, (a) the hook of an upper storage container of the pair is engaged in an interlocked relation with the receptacle of the lower storage container of the pair to secure the storage containers of the pair together, and (b) the hook and receptacle of the vertically adjacent storage containers of the pair can be disengaged to enable separation of the storage containers of the pair.

g. Regarding Claim 15, Strayer, as modified, further discloses that in each storage container the hook includes a plurality of hooks (two hooks, best seen in Strayer, Figure 7) provided on lower portions of the side walls and the receptacle includes a corresponding plurality of receptacles (two receptacles, best seen in Strayer, Figure 7) provided on upper portion of the side walls.

h. Regarding Claim 16, Strayer, as modified, further discloses that in each storage container the upper portions of the side walls each include recessed wells (21) and wherein the receptacles are located within the recessed wells (the top portion of the element 21).

7. Claims 17 and 19-23 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strayer in view of Frydenberg.

i. Regarding Claims 17 and 19-21, Strayer discloses a storage container for stacking together with one or more similar storage containers (see Strayer, column 3, lines 13-14), the storage container comprising a drawer (31) having a bottom wall (A) and a peripheral wall (B) defining a storage space (C) for receiving articles and an upwardly facing opening (best seen in Strayer, Figure 1) for accessing the storage space, a drawer housing (10) having at least an upper wall (14), the drawer being slidably mounted to the drawer housing for movement between a retracted position wherein the drawer is positioned beneath the upper wall and an extended position wherein the drawer is moved outwardly from beneath the upper wall, thereby allowing access to the storage space therein through the upwardly facing opening, the drawer housing being constructed to enable at least the upper wall of the drawer housing to be pivoted between a closed position (Best seen in Strayer, Figure 7) closing the upwardly facing opening of the drawer in its retracted position and an open position (Best seen in Strayer, Figure 1) uncovering the upwardly facing opening of the drawer in its retracted position and a carrying handle (32) for enabling a user to carry the storage container. Strayer further discloses that the container has an upper coupling (the top opening of element 21) on an upper portion of the storage container and a lower coupling (formed by the element 39 when inserted into the lower portion of element 21) on a lower portion of the storage container; the upper coupling being constructed to be engaged in an interlocked relation with a lower coupling of a similar storage container stacked atop the storage container

to thereby secure the storage container and the similar storage container stacked atop thereof together, and disengaged from the lower coupling of the similar storage container stacked atop the storage container, thereby allowing the storage container and the similar storage container stacked atop the storage container to be separated; the lower coupling being constructed to be engaged in an interlocked relation with an upper coupling of a similar storage container stacked below the storage container to thereby secure the storage container and the similar storage container stacked below the storage container together, and disengaged from the upper coupling of the similar storage container stacked below the storage container, thereby allowing the storage container and the similar storage container to be separated. Strayer fails to disclose a latch on the containers. Frydenberg teaches a latch (16) movable between a latching position (best seen in Frydenberg, Figure 1) releasably latching two elements (such as the drawer in a retracted position latched with the front edge of the upper wall in the closed position thereof) and a released position (best seen in Frydenberg, Figure 2) enabling two elements to be separated (such as allowing the drawer to be moved to the extended position thereof or for the upper wall to be moved to the open position thereof). Frydenberg further discloses that the latch is slidably mounted (see Frydenberg, Column 2, line 61, "a slide-type latching mechanism") on a front face of an element (such as the drawer) for lateral movement between the latched and released positions thereof and that the upper element (such as the upper wall on the drawer housing of each storage container) has a front edge

with a latch engaging portion having a lip (60, 62) protruding upwardly therefrom and a recess (D) adjacent the latch engaging portion, the recess being positioned such that, when the drawer is in the retracted position thereof and the upper wall is in the closed position thereof, the latch in its released position is received in the recess, and then can be moved laterally onto the latch engaging portion and the lip thereof to affect the latched position thereof. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Strayer by adding a latching mechanism as taught by Frydenberg in order to securely lock the drawer to the upper wall so that the contents of the storage device are not spilled when the container is moved.

j. Regarding Claims 22 and 23, Strayer, as modified, teaches all of the elements of Claim 17 and further discloses that the drawer housing (10) has a pair of side walls (13, 18a) extending downwardly from the upper wall on opposing sides of the drawer and fixed together with the upper wall. Please note, the phrase "so that the side walls are pivoted along with the upper wall between the open and closed positions thereof" recited in Claim 23 is considered functional language and is therefore given little patentable weight.

k. Regarding Claim 27, Strayer, as modified, teaches all of the elements of Claim 17 and further discloses that the carrying handle (32) is connected to a front wall of the drawer (Best seen in Strayer, Figure 1) for facilitating movement of the drawer between the retracted and extended positions thereof.

l. Regarding Claims 28 and 29, Strayer, as modified, teaches all of the elements of Claims 17 and 22 and further discloses that the lower coupling includes a hook (39) and the at least one upper coupling includes a receptacle (the top opening of element 21), the receptacle being constructed to be engaged in an interlocked relation with a hook of a similar storage container stacked atop the storage container (Best seen in Strayer, Figure 4) to thereby secure the storage container and the similar storage container stacked atop thereof together, and disengaged from the hook of the similar storage container stacked atop the storage container, thereby allowing the storage container and the similar storage container stacked atop the storage container to be separated the hook being constructed to be engaged in an interlocked relation with a receptacle of a similar storage container stacked below the storage container to thereby secure the storage container and the similar storage container stacked below the storage container together, and disengaged from the receptacle of the similar storage container stacked below the storage container, thereby allowing the storage container and the similar storage container to be separated.

m. Regarding Claim 30, Strayer, as modified, teaches all of the elements of Claim 29 and further discloses that the hook includes a plurality of hooks (two hooks, best seen in Strayer, Figure 7) and the receptacle includes a corresponding plurality of receptacles (two receptacles, best seen in Strayer, Figure 7).

n. Regarding Claim 31, Strayer, as modified, teaches all of the elements of Claim 30 and further discloses that the upper portions of the side walls each include recessed wells (21) and wherein the receptacles are located within the recessed wells (the top portion of the element 21).

***Allowable Subject Matter***

8. Claims 9-11 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

9. Applicant's arguments, see pages 11 and 12, filed 5/9/06, with respect to claims 1-5, 7-20 and 22-31 in light of Gliniorz in view of Dane have been fully considered and are persuasive. The rejection of claims 1-5, 7-20 and 22-31 in light of Gliniorz in view of Dane has been withdrawn.

10. Applicant's arguments filed 5/9/06 with respect to rejections in light of Strayer in view of Frydenberg have been fully considered but they are not persuasive. Frydenberg teaches a secure latch device for two separable components. One familiar with storage containers would find it reasonable to use a latch from one type of container on another type if the latch provided superior security. The use of the Frydenberg latch would naturally provide a latch that would release the upper wall as well as the drawer if it were used to attach the two portions.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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